

FORCED MARRIAGE (CIVIL PROTECTION) ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1 – Protection against forced marriage: Northern Ireland

Part 1 – Forced marriage protection orders

89. *Paragraph 1* replicates section 63A in section 1 as it sets out the purpose of making an order under the Schedule and the factors that the court must take into account when making an order.

Contents of orders

90. *Paragraph 2* replicates section 63B in section 1 in that it provides for a forced marriage protection order to contain measures considered appropriate by the court, including prohibitions, restrictions and requirements.
91. *Sub-paragraph (2)(a)* specifies in particular that the conduct being regulated or controlled may be within or outside Northern Ireland.

Applications and other occasions for making orders

92. *Paragraph 3* replicates section 63C in section 1 in that it sets out who may apply for a forced marriage protection order, with or without leave; and in considering leave, the factors which are to be taken into account.
93. *Paragraph 3* varies from section 63C in some limited respects. The definition of “family proceedings” in *sub-paragraph (7)* is related to the Family Homes and Domestic Violence (Northern Ireland) Order 1998 rather than Part 4 of the FLA which does not apply to Northern Ireland. In *sub-paragraph (7)* the Department of Finance and Personnel is given the power to specify the relevant third parties, who may take applications on behalf of a person to be protected.

Ex parte orders

94. *Paragraph 4* makes provision for Northern Ireland in relation to ex parte orders. These are orders made in the absence of the respondent. *Sub-paragraph (1)* provides that the court can make an ex parte order if it is just and convenient to do so. In deciding whether it is just and convenient *sub-paragraph (2)* provides that the court should have regard to all the circumstances of the case, including those circumstances set out in the sub-paragraph.
95. *Sub-paragraphs (3) and (4)* provide that where an order is made ex parte a date must then be set for a hearing where both parties will be given the appropriate notice as provided by court rules.

Duration of orders

96. *Paragraph 5* provides that the court can make an order for a set period or an order can be made until it is varied or discharged. It replicates section 63F in section 1.

Variation of orders and their discharge

97. *Paragraph 6* replicates section 63G in section 1 (save that it makes no provision for undertakings or attached powers of arrest, which are not relevant in relation to Northern Ireland).